REMARKS/ARGUMENTS

The claims are 1-2, 7, 9-11, 14-26 and 28-31. Claim 1 has been amended to incorporate the subject matter of claims 12 and 13. Accordingly, claims 12 and 13 have been canceled, and claim 14, which previously depended on claim 13, has been amended to depend on claim 1 and to conform to the amendments made therein. Support for the claims may be found, *inter alia*, in the disclosure at page 4, first and second paragraphs, and page 9, last paragraph. Reconsideration is expressly requested.

Applicant wishes to thank the Examiner for the courtesy of a telephone interview on December 15, 2005, the substance of which is set forth herein. Prior to the filing of the Request for Continued Examination (RCE), claims 1, 2, 9-11, 22, 23 and 27-30 were rejected under 35 U.S.C. §102(b) as being anticipated by *Stierli U.S. Patent No. 4,442,148*. Claims 1, 2, 7, 9-11, and 22-27 were rejected under 35 U.S.C. 102(b) as being anticipated by *Jenkins et al. U.S. Patent No. 5,824,401*. Claims 1, 2, 7, 9-11, 15, 16, 18, 20-30 were rejected under 35 U.S.C. 102(b) as being anticipated by *Wiercinski et al. U.S. Patent No. 5,687,517*. Claim 12 was rejected under 35 U.S.C. 103(a) as being

unpatentable over either *Stierli, Jenkins et al.* or *Wiercinski et al.* in view of *Gürtler U.S. Patent No. 3,686,060.* Claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Stierli, Jenkins et al.*, or *Wiercinski et al.* in view of *Zickell et al. U.S. Patent No. 4,992,315.* Claims 17 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Wiercinski et al.* in view of *Zickell et al.* Claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Stierli* or *Wiercinski et al.* in view of *Kalkanoglu U.S. Patent No. 4,757,652.*

Essentially, the Examiner's position was that any of *Stierli, Jenkins et al.* or *Wiercinski et al.* discloses the film-bitumen combination recited in the claims including a first film layer being located further away from the bituminous layer having a larger coefficient of elongation than the second film layer. With respect to claim 12, the Examiner's position was that either *Stierli, Jenkins et al.* or *Wiercinski et al.* discloses the film-bitumen combination recited in the claim, except for at least one edge of part of the at least two film layers projecting beyond the bituminous layer, which was said to be shown by *Gürtler.* With respect to claims 13 and 14, the Examiner's position was

that each of *Stierli, Jenkins et al.* and *Wiercinski et al.* discloses the film-bitumen combination recited in the claims except for showing at least one edge part of the at least two film layers being shorter than the bituminous layer, which was said to be shown by *Zickell et al.*

In response, Applicant filed an Amendment in Response to the Final Office Action on November 14, 2005, which the Examiner entered in the Advisory Action mailed November 23, 2005, but which the Examiner indicated failed to place the case in condition for allowance. Specifically, in the Examiner's view, *Stierli* met the claims because *Stierli's* plastic film layer 3 is made of a polyolefin film such as polyethylene, the barrier coating layer 2 of *Stierli* provides increased dimensional stability and prevents undesirable curling, and therefore *Stierli's* plastic film layer 3 has a larger coefficient of elongation than barrier coating layer 2.

With respect to *Jenkins et al.*, the Examiner took the position that *Jenkins et al.* inherently teaches that polymer layers 16 and 18 (which are made of a polyolefin film such as polyethylene) have a larger coefficient of elongation than

barrier layer 20 which is made of polyamide and polyethylene terephthalate and provide increased dimensional stability to the laminate.

Similarly, with respect to *Wiercinski et al.*, the Examiner took the position that *Wiercinski et al.* inherently teaches that layer 22 (which is made up of polypropylene, high density polyethylene, low density polyethylene and linear low density polyethylene) has a larger coefficient of elongation than the second film layer between first film layer 22 and the bituminous layer, because the second film layer comprises polyamide and polyethylene terephthalate which are similar materials to Applicant's second layer.

At the Interview, a proposed amendment to overcome the prior art that combines recitations contained in claims 12 and 13 as set forth herein was discussed, and it is believed that claim 1 as amended herein is patentable over the cited references. Therefore, Applicant respectfully traverses the rejection for the following reasons.

As set forth in claim 1 as amended, Applicant's invention provides a film bitumen combination having at least three layers such as layers 2, 4 and 6 shown in FIG. 1. Layer 2 is a bituminous material, and layers 4 and 6 are layers made from different materials. The first film layer 6 is located further away from bituminous layer 2, and has a larger coefficient of elongation than second film layer 4. At least a first edge of the film layers projects beyond the bituminous layer and at least a second edge of the film layers is shorter than the bituminous layer.

With this combination, it is possible to align two or more rolls of the substrate along each other and to seal them with the polyolefin layers. The resulting sealing is tight. Leakage in the joint areas is effectively eliminated.

By making the film layer located further away from the bituminous layer have a larger coefficient of elongation than the film layer located closer, moreover, it is assured that the edges of the film layer do not detach from the bituminous layer. Rather, these edges are pressed onto the bitumen layer. At higher temperatures where the adhesive force of bitumen layer is

reduced, the film is actively pressed against the bitumen layer. This benefit is particularly evident at the edges. The curling that occurs with standard films with a symmetrical film structure no longer occurs.

None of the cited references disclose or suggest a film-bitumen combination having a first film edge that projects beyond the bituminous layer and a second film edge that is shorter than the bituminous layer. *Stierli* discloses a waterproofing laminate including a bituminous membrane 1 and a flexible polymeric support sheet material 3 coextensively superimposed thereon. See col. 2, lines 36-37. *Jenkins et al.* discloses an oil barrier waterproofing laminate including a bituminous layer 12 which is contiguous with a carrier sheet support structure 14. See col. 3, line 28; col. 6, line 10. *Wiercinski et al.* discloses a roofing underlayment including a pressure-sensitive membrane adhesive layer 12 attached to a carrier support sheet 14. There is no disclosure or suggestion in *Stierli, Jenkins et al.* or *Wiercinski et al.* of the combination of a first film edge that projects beyond the bituminous layer and a second film edge that is shorter than the bituminous layer.

Gürtler, which was cited against claim 12, discloses a multilayer wrapping sheet including a plastic film 3 and a bitumen layer 4 in which the plastic layer extends beyond the bitumen layer at one edge or both edges. However, there is no disclosure of the combination of a first film edge that projects beyond the bituminous layer and a second film edge that is shorter than the bituminous layer. Moreover, *Gürtler* teaches that it is necessary to have a marginal area 7 free from both bitumen and film material in order to close the wrapping of the sheet by bonding paper to paper. See col. 1, lines 60-64, col. 3, lines 28-30. Thus, one skilled in the art would be taught that extending a plastic film beyond the bituminous layer facilitates processing only in combination with a bitumen and film-free zone that is required to close the wrapping, which is contrary to Applicant's invention where the film seals the film bitumen combination which *Gürtler* teaches to avoid by its paper to paper contact. See col. 1, lines 45-65.

Zickell et al., which was cited, *inter alia*, against claim 13, discloses a roofing membrane having a reinforcing mat sandwiched between top and bottom layers 12, 14 of a bitumen. The trailing edge of top layer 12 is provided with a non-slip

plastic sheet 28 that stops short of the leading edge to form a starter strip for the first row or roofing shingles. There is no disclosure of the combination of a first film edge that projects beyond the bituminous layer and a second film edge that is shorter than the bituminous layer.

Kalkanoglu discloses a roofing product including a bitumen body with a fiberglass reinforcement 20 inside the body. A release film 22 is on the back and is split in two sections 17 and 18. Again, there is no disclosure of the combination of a first film edge that projects beyond the bituminous layer and a second film edge that is shorter than the bituminous layer.

Accordingly, it is respectfully submitted that Applicant's invention as recited in claim 1, as amended, and in the dependent claims 2, 7, 9-11, 14-26 and 28-31, are patentable over the cited references.

In summary, claims 1 and 14 have been amended, and claims 12 and 13 have been canceled. In view of the foregoing, it is respectfully requested that the claims be allowed, and that this application be passed to issue.

Applicant also submits herewith an Information Disclosure Statement.

Respectfully submitted,

MICHAEL FÜRST - 1

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
FJD:djp

Allison C. Collard, Reg.No.22,532
Frederick J. Dorchak, Reg.No.29,298
Attorneys for Applicant

Enclosure: Information Disclosure Statement

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Kelly Espitia